

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DIVISION OF OHIO**

JANE DOE

CASE 5:18-CV-01870-SL

Plaintiff

JUDGE: SARA LIOI

vs

DAVID ALLEN FOSTER

REPLY INSTANTER

Defendant

Now comes the Plaintiff, pro se, and hereby files her reply instanter to the Defendant David Allen Foster's Counterclaim, asking the Court for leave to file same based upon her mistake, inadvertence, or excuseable neglect.

First Defense

Plaintiff expressly denies each and every allegation contained in Defendant's Counterclaim.

Affirmative Defenses

Defendant's Counterclaim fails inasmuch as the evidence may show:

1. lack of subject-matter jurisdiction;
2. lack of personal jurisdiction;
3. improper venue;
4. insufficient process;
5. insufficient service of process;
6. failure to state a claim upon which relief can be granted; and
7. failure to join a party under Rule 19.
8. the Defendant was the primary aggressor/self defense;

9. abuse of process;
10. in pari delicto;
11. Fraud insofar as the Defendant falsely reported to police;
12. Failure to state a claim upon which relief can be granted.
13. Plaintiff reserves the right to file additional defenses as the evidence may reveal in the instant case.

RESPECTFULLY SUBMITTED,

/s/ Mary Beth Foster
Mary Beth Foster
2113 Copley Road
Akron, OH 44320

CERTIFICATE OF SERVICE

A copy of the above motion, reply instanter, and a separate proposed order were served on the following on January 1, 2019 and on Counsel as follows:

Todd M. Raskin (Terminated) traskin@mrrlaw.com

Patricia C. Ambrose-Rubright prubright@mrrlaw.com

Timothy D. McKinzie tim@mckinzielaw.com

Tami Z. Hannon thannon@mrrlaw.com

Christina M. Nicholas (Terminated) cnicholas@mrrlaw.com

/s/ Mary Beth Foster